

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 06-5053 CRB

SHANE BEASLEY,
Plaintiff,

ORDER REQUESTING ADDITIONAL
BRIEFING

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,
Defendant.

Now pending before the Court are the parties' cross motions for summary judgment. After reviewing the parties' submissions, the Court invites each party to file a supplemental brief that addresses the following issues:

1. The ALJ based his determination that Plaintiff had no mental health impairment, in part, on his finding that there was no record of a prescription for the drug Seroquel and "[the prescription] seems highly unlikely." Administrative Record ("AR.") at 20. A review of the record, however, reveals that the drug was prescribed by his treating doctor, Howard Kornfeld, M.D. AR. at 297, 301. Does the ALJ's apparent error mean the case must be remanded?

1 2. The ALJ did not consider Plaintiff's headaches, carpal tunnel syndrome, GERD,
2 and possible mental disorder when he determined Plaintiff's RFC. The ALJ stated that he
3 did not do so because he previously found that the impairments were not severe. AR. at 23.
4 Was the ALJ's failure to consider these "non-severe" impairments in determining the
5 Plaintiff's RFC legal error? See 20 CFR § 416.920(e) (requiring that ALJs consider all
6 limiting effects of impairments in determining RFC, even if the impairment is not severe).

7 Each party's brief, if any, shall not exceed five pages and shall be filed on or before
8 April 27, 2007.

9 Dated: April 17, 2006

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11 CHARLES R. BREYER
12 UNITED STATES DISTRICT JUDGE
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